

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

A USPS Priority Mail parcel 9505 5130 8648 9281 3759 04 (the "SUBJECT PARCEL"). The SUBJECT PARCEL is approximately 20" x 20" x 20" weighing approximately 19 lbs. 7 oz. The SUBJECT PARCEL's label indicates it is from "Daniel Harper 8405 Rio San Diego Dr San Diego, CA 92108" The SUBJECT PARCEL bears a label addressed to "Nick Wishman 3270 South 99th St. Milwaukee, WI 53227" The SUBJECT PARCEL was postmarked on October 8, 2019 in San Diego, CA. The postage paid was \$101.60.

Case Number: 19-929M(NJ)

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Cleveland Brand, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail parcel 9505 5130 8648 9281 3759 04 (the "SUBJECT PARCEL"). The SUBJECT PARCEL is approximately 20" x 20" x 20" weighing approximately 19 lbs. 7 oz. The SUBJECT PARCEL's label indicates it is from "Daniel Harper 8405 Rio San Diego Dr San Diego, CA 92108" The SUBJECT PARCEL bears a label addressed to "Nick Wishman 3270 South 99th St. Milwaukee, WI 53227" The SUBJECT PARCEL was postmarked on October 8, 2019 in San Diego, CA. The postage paid was \$101.60.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1) and 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of 180 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date October 11, 2019

City and state: Milwaukee, Wisconsin

Cleveland Brand
CLEVELAND BRAND

U.S. Postal Inspector, USPIS

Nancy Joseph
THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

Affidavit of U.S. Postal Inspector Cleveland Brand

I, Cleveland Brand, being duly sworn on oath, state as follows;

1. I am a United States Postal Inspector employed by the United States Postal Inspection Service (USPIS). I have been so employed since July 2018. I am currently assigned to a multi-functional team in Milwaukee, WI. This team investigates mail theft, fraud, the theft of Postal property, prohibited mailings, controlled substances, and other matters related to the Postal Service. I hold a Bachelor's degree in Computer Networking from Robert Morris University. I have used my training and experience to locate and identify multiple parcels containing narcotics and drugs. Based on my training received at the USPIS Career Development Unit, personal experience, on the job training, and working with other Postal Inspectors and Wisconsin HIDTA drug task force officers, I know narcotics, drugs, paraphernalia, controlled substances, and moneys associated with the sale of narcotics, drugs, and controlled substances are sent through the United States Postal Service (USPS) system, and I am familiar with many of the methods used by individuals who attempt to use the USPS to illegally distribute controlled substances.

2. The USPIS is the primary investigative arm of the United States Postal Service and is charged under Title 18, United States Code, 3061 with the enforcement of laws governing the use and movement of the United States Mail, including the misuse and fraudulent schemes involving the mail, crimes relating to mail fraud, narcotics trafficking and identity theft involving the United States Mail.

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of a search warrant for the **SUBJECT PARCEL** (described below) for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with

Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mail) to Facilitate the Distribution of a Controlled Substance). To seize: any controlled substance, and any paraphernalia associated with the manufacture and distribution of controlled substances including packaging materials and containers to hold controlled substances; proceeds of drug trafficking activities, such as United States currency, money orders, bank checks, precious metals, financial instruments; and drugs or money ledgers, drug distribution or customer lists, drug supplier lists, correspondence, notations, logs, receipts, journals, books, records, and other documents noting the price, quantity, and/or times when controlled substances were obtained, transferred, sold, distributed, and/or concealed.

PARCEL TO BE SEARCHED

4. This affidavit is made in support of an application for a search warrant for USPS Priority Mail parcel 9505 5130 8648 9281 3759 04 (the “**SUBJECT PARCEL**”). The **SUBJECT PARCEL** is approximately 20” x 20” x 20” weighing approximately 19 lbs. 7 oz. The **SUBJECT PARCEL**’s label indicates it is from “Daniel Harper 8405 Rio San Diego Dr San Diego, CA 92108” The **SUBJECT PARCEL** bears a label addressed to “Nick Wishman 3270 South 99th St. Milwaukee, WI 53227” The **SUBJECT PARCEL** was postmarked on October 8, 2019 in San Diego, CA. The postage paid was \$101.60.

INVESTIGATION OF THE SUBJECT PARCEL

5. I review Postal Service records and labels delivered to, and sent from, the Milwaukee area to and from source narcotic areas. I do this because I know, based on my training and experience, drug traffickers will sometimes use Priority Mail service, which is the USPS 3-4 days delivery product. Based on my training and experience with the USPIS, I know drug traffickers use First Class Mail, Priority Mail, and Priority Mail Express delivery service because

of its reliability and the ability to track the article's progress to the intended delivery point. In my training and experience, traffickers will often use fictitious names and/or addresses as well as incomplete names and addresses in an attempt to hide their trafficking efforts from law enforcement.

6. On October 10, 2019, the **SUBJECT PARCEL** was screened and deemed to be suspicious. The **SUBJECT PARCEL** is a Priority Mail Parcel traveling from a Post Office in San Diego, CA, a well-established source location for drugs mailed to the state of Wisconsin, to an address in Milwaukee, WI.

7. Based on my training and experience, I am aware California is a source area for controlled substances. As such, controlled substances are frequently transported from California via the USPS, and the proceeds from the sale of the controlled substances are frequently returned to the state via the USPS. These proceeds are generally in large amounts of money, oftentimes over \$1000.

8. On October 10, 2019, I met with Milwaukee Police Detective Eugene Nagler and his canine "FLORA" at the Milwaukee P&DC Post Office Customer Parking lot located at 345 W Saint Paul Avenue, Milwaukee, WI 53203. Together, Detective Nagler and FLORA are a certified Police Narcotic Detection Team accredited through the Indiana Law Enforcement Training Academy, Provider 5000-80, in the detection of heroin, cocaine, marijuana, methamphetamine and other controlled substances made with like components. Detective Nagler and FLORA were certified on 02-14-2014, 01-20-2015, 1-18-2016, 1-13-2017, 1-18-2018, and 02-01-2019. Detective Nagler and FLORA were also certified by The American Working Dog Association (AWD) on 01-20-2015. Detective Nagler received an additional 120 hours of single purpose narcotic detector dog handling training January 27 – February 14, 2014. Detective Nagler

is a current member of the North American Police Work Dog Association and the American Working Dog Association (AWD), as required by the State of Wisconsin Controlled Substances Board. Detective Nagler states during training, FLORA has alerted to the presence of the controlled substance or other items, such as proceeds of controlled substances that she is trained to detect over 400 times.

9. On October 10, 2019, I placed the **SUBJECT PARCEL** on the ground of the customer parking lot of the Milwaukee P&DC with four other empty parcels. FLORA located and alerted to the **SUBJECT PARCEL**. Detective Nagler informed me FLORA's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with the odor of one or more controlled substances.

10. Based upon the information as outlined in this affidavit, I believe there is probable cause to indicate the contents of the **SUBJECT PARCEL** is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).

11. Because this affidavit is submitted for the limited purpose of securing authorization for a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for the requested search warrant.

12. The **SUBJECT PARCEL** is currently being held at the USPIS Milwaukee Domicile, located at 345 W Saint Paul Avenue, Milwaukee, WI 53203.